

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOSEPH CLYDE BODWIN, #1880588, §
Plaintiff, §
§
v. § Case No. 6:22-cv-193-JDK-JDL
BRIAN COLLIER, et al., §
Defendants. §
§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Joseph Clyde Bodwin, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

Before the Court is Defendant Michael I. McNeil's motion for judgment on the pleadings. Docket No. 38. On February 20, 2024, Judge Love issued a Report and Recommendation recommending that the Court grant Defendant's motion to dismiss and dismiss Plaintiff's claims against this Defendant. Docket No. 51. Plaintiff filed objections to the Report. Docket No. 57.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

With his objections, Plaintiff attaches a copy of the TDCJ Disciplinary Report and Hearing Record concerning the incident leading to this case. Docket No. 57-1. Plaintiff argues that this report shows that he “never got his day in court.” Docket No. 57. But Plaintiff fails to address the Report’s conclusion that his placement in pre-hearing detention for administrative segregation for fifty-three days does not deprive him of a liberty interest protected by the Fourteenth or Eighth Amendments. Docket No. 51 at 5–8.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct and that Plaintiff’s objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 51) as the opinion of the District Court. The Court **GRANTS** Defendant McNeil’s motion to dismiss (Docket No. 38) and **DISMISSES** Plaintiff’s claims against Defendant McNeil with prejudice.

So **ORDERED** and **SIGNED** this 20th day of March, 2024.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE